

**Resolution on FCC's Notice of Proposed
Rulemaking on Personal Communications Services**

WHEREAS, The Federal Communications Commission (FCC) proposes to amend its rules to establish new personal communications services (PCS), described in GEN Docket No. 90-314; and

WHEREAS, The FCC has sought comment on a number of issues of importance to state regulators, including:

- the number of licenses to be awarded in each service area;
- the appropriate geographic size of PCS service areas;
- the terms and conditions by which PCS providers will obtain access to and interconnection with the public switched network;
- whether PCS should be classified as a common carrier or private land mobile service;
- the FCC's jurisdictional authority to preempt state regulation of intrastate PCS services;
- the role of existing service providers, including cellular and LECs, in the provision of PCS;

WHEREAS, In previous resolutions adopted in November 1990 and February 1992, the National Association of Regulatory Utility Commissioners (NARUC) resolved that (1) PCS be regulated as a common carrier service; and (2) states may not be preempted under the "private carriage" standard as applied in the FCC's Fleet Call proceeding; and

WHEREAS, The NARUC has previously supported spectrum allocation for PCS to multiple providers and favored local or regional serving areas for those PCS licensees, but has not commented on what it believes constitutes an optimal number of licensees or size of service areas; and

WHEREAS, Quantitative data are not currently available that would provide adequate guidance in determining the optimal number of licensees that should be authorized in a service area or the optimal size of those service areas; and

WHEREAS, The potential for greater PCS competition and innovation could best be developed in certain areas by dividing the spectrum into the maximum number of blocks, which the FCC has determined to be five (5); and

WHEREAS, The definition of PCS service areas should be carefully reviewed especially considering that like cellular service, most PCS calls are expected to be local in nature; and

WHEREAS, Local exchange competition arising from the provision of PCS by entities other than local exchange carriers may impact existing sources of contribution that support universal service

objectives; now, therefore, be it

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), convened at its 104 Annual Convention in Los Angeles, California, recommends further study on the optimal number of licenses per service area, but where economically justified, the FCC award the maximum number of PCS licenses that can be assigned in the spectrum band allocated for PCS; and be it further

RESOLVED, That the FCC further examine, along with other options, whether PCS service areas should be patterned after the existing cellular service areas; and be it further

RESOLVED, That the FCC take no action that would restrict the states' abilities to enact safeguards necessary to protect monopoly telephone service customers while PCS growth occurs in the public-switched network; and be it further

RESOLVED, That the Federal-State Joint Board examine the impact of the FCC's PCS proposals on existing federal and state support mechanisms and consider whether changes may be required to further universal service objectives.

Sponsored by the Committee on Communications
Adopted November 18, 1992